

109TH CONGRESS
2D SESSION

H. R. 5947

To correct an inequity in eligibility for military retired pay based on nonregular service in the case of certain members of the reserve components completing their reserve service before 1966, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2006

Mr. SCOTT of Virginia (for himself, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mrs. MALONEY, Mr. MCGOVERN, Mr. LYNCH, Mr. PAYNE, Mr. CONYERS, Ms. LEE, and Mr. CLEAVER) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To correct an inequity in eligibility for military retired pay based on nonregular service in the case of certain members of the reserve components completing their reserve service before 1966, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Forgotten Veteran’s
5 Retirement Compensation Act”.

1 **SEC. 2. RETIRED PAY ELIGIBILITY TO CORRECT ADMINIS-**
2 **TRATIVE ERRORS.**

3 (a) **ELIGIBILITY.**—The provisions of section 12738 of
4 title 10, United States Code, shall apply to the determina-
5 tion of eligibility for nonregular-service retired pay of a
6 person in a case in which the Secretary concerned, before
7 October 14, 1966, notified the person that such person
8 had completed the years of service required for eligibility
9 for such retired pay in the same manner as those provi-
10 sions apply to a such a notification made after that date.

11 (b) **BACK PAYMENTS.**—In any case in which the Sec-
12 retary concerned determines, pursuant to subsection (a),
13 that a person not otherwise entitled to nonregular-service
14 retired pay is (or, in the case of a deceased person, would
15 have been) entitled to such retired pay due to the applica-
16 tion to that person of the provisions of section 12738(a)
17 of title 10, United States Code, the Secretary shall deter-
18 mine as a lump sum the amount of retired pay that would
19 have been paid to that person for the period before the
20 date of the enactment of this Act and shall promptly pay
21 such lump sum to such person or, if the person is de-
22 ceased, to such person's eligible survivors, as determined
23 in accordance with section 1477 of such title.

24 (c) **SURVIVING SPOUSES AND DEPENDENT CHIL-**
25 **DREN.**—In the case of a person described in subsection
26 (b) who on the date of the enactment of this Act is de-

1 ceased and who has a surviving spouse or a surviving de-
 2 pendent child, such deceased person shall be considered
 3 for all purposes relating to programs and activities of the
 4 Department of Defense, including the Survivor Benefit
 5 Plan under subchapter II of chapter 73 of title 10, United
 6 States Code, to have been entitled to nonregular-service
 7 retired pay at the time of death. For purposes of computa-
 8 tion of an annuity under such subchapter, the base
 9 amount applicable to such annuity shall be considered to
 10 be the amount of retired pay to which the deceased person
 11 would have been entitled on the date of death if the provi-
 12 sions of subsection (a) had been in effect before such per-
 13 son's death.

14 (d) DEFINITIONS.—In this section:

15 (1) SECRETARY CONCERNED.—The term “Sec-
 16 retary concerned” has the meaning given that term
 17 in section 101 of title 10, United States Code.

18 (2) NONREGULAR-SERVICE RETIRED PAY.—The
 19 term “nonregular-service retired pay” means retired
 20 pay under chapter 1223 of title 10, United States
 21 Code (or any predecessor provision of law).

22 (3) DEPENDENT CHILD.—The term “dependent
 23 child” has the meaning given that term in section
 24 1447(11) of title 10, United States Code.

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